

Exhibit “3”

Transcript of the Testimony of
Monty Merrill

Date:

December 03, 2020

Case:

STEPHANIE HERNANDEZ vs CLEARWATER TRANSPORTATION

<p style="text-align: right;">Page 10</p> <p>1 of 2019 with Clearwater.</p> <p>2 Q. And what are you doing for income?</p> <p>3 A. I sold my house. I'm -- basically had been</p> <p>4 living off of the proceeds of that, and unemployment.</p> <p>5 Q. How long have you -- when did you get on</p> <p>6 unemployment?</p> <p>7 A. I believe it was February of 2020.</p> <p>8 Q. Okay. Okay. I want to dig into the time line</p> <p>9 a little bit here.</p> <p>10 So Ms. Stephanie Hernandez was employed</p> <p>11 with Clearwater for at least -- for about three and a</p> <p>12 half years, correct, 2014 to 2017?</p> <p>13 A. Correct.</p> <p>14 Q. Okay. And at some point, she was -- was she in</p> <p>15 the top ranking of sales agents by commission for the</p> <p>16 company?</p> <p>17 A. I believe so, yes.</p> <p>18 Q. Okay. And by "ranking," we mean she brought in</p> <p>19 the most money for the company?</p> <p>20 A. Yeah. And it's based on yield, so she got the</p> <p>21 highest percentage per day. So I don't -- that doesn't</p> <p>22 always equate to the most revenue brought in, but</p> <p>23 it -- it is a determining factor as to what we would</p> <p>24 consider successful in the sales department.</p> <p>25 Q. Okay. And you agree she was successful?</p>	<p style="text-align: right;">Page 12</p> <p>1 So then we -- we took another approach</p> <p>2 of -- we added with -- a lot of additional fleet. So</p> <p>3 there were -- I can't tell you the exact timing of all</p> <p>4 that, but that's kind of the gist of what happened.</p> <p>5 We were -- basically, we were in that</p> <p>6 mode -- and really, this is a business mode period. But</p> <p>7 it -- if it isn't working, let's try something else.</p> <p>8 Q. Okay. So I think we just established actually</p> <p>9 Matt Rincon was -- was the -- was he the sales manager</p> <p>10 that -- that most recently proceeded Ms. Hernandez in</p> <p>11 that role?</p> <p>12 MS. ABEL: Form.</p> <p>13 A. I believe that's correct, yes.</p> <p>14 Q. (BY MR. KAPLAN) Okay. And he got fired?</p> <p>15 A. Correct.</p> <p>16 Q. Okay. And I think you testified -- or as</p> <p>17 corporate representative, you testified he was fired in</p> <p>18 2017?</p> <p>19 A. Correct.</p> <p>20 Q. Okay. And so ultimately, Ms. Hernandez was who</p> <p>21 you were interested in having replace him?</p> <p>22 MS. ABEL: Object to form.</p> <p>23 A. He did more than just sales. He was a -- like</p> <p>24 a very experienced long-term manager with us. But it</p> <p>25 just -- as that occurred, it became clear that we</p>
<p style="text-align: right;">Page 11</p> <p>1 A. For sure.</p> <p>2 Q. And she was a respected employee at the</p> <p>3 company?</p> <p>4 A. Yes.</p> <p>5 Q. And she exhibited good job performance?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. In terms of the economic downturn in</p> <p>8 2017, looking at Q1 and Q2, there were still</p> <p>9 reservations happening for cars regularly at the</p> <p>10 company, right?</p> <p>11 MS. ABEL: Objection, form.</p> <p>12 A. Yes.</p> <p>13 Q. (BY MR. KAPLAN) We talked about this a little</p> <p>14 earlier. But other than -- specifically, other than</p> <p>15 the -- the layoff to the sales manager position,</p> <p>16 what -- what other cuts were made in -- from January to</p> <p>17 June of 2017, specifically?</p> <p>18 MS. ABEL: Object to form.</p> <p>19 A. Remember specifically, but I can tell you we</p> <p>20 were looking to cut expenses. We went through a -- and</p> <p>21 -- and again, that's -- the reason I can't tell you</p> <p>22 specifics during the period is we cut -- we were cutting</p> <p>23 fleet trying to adjust to doing -- and as we did that,</p> <p>24 pricing got so cheap that we ended up -- our competitors</p> <p>25 just kind of backfilled in with additional fleet.</p>	<p style="text-align: right;">Page 13</p> <p>1 needed -- we needed some additional help in that -- in</p> <p>2 that area, that we needed to focus on any avenue we</p> <p>3 could do to increase revenue.</p> <p>4 Q. (BY MR. KAPLAN) Okay. Did you reach out</p> <p>5 to -- to Ms. Hernandez and ask her if she were</p> <p>6 interested in -- in this promotion?</p> <p>7 A. I didn't reach out to her, but I saw her in the</p> <p>8 office. And I believe she mentioned something</p> <p>9 about -- you know, about the -- about the position. And</p> <p>10 I said, "Well, why haven't you applied?" So...</p> <p>11 Q. Okay.</p> <p>12 A. That didn't really reach -- I didn't go to her</p> <p>13 specifically to say, "Hey, you want to apply for this?"</p> <p>14 But I certainly encouraged her to apply for it.</p> <p>15 Q. Well, that -- that sales manager position was</p> <p>16 an open position?</p> <p>17 A. That's correct.</p> <p>18 Q. And it was post -- the job was posted publicly?</p> <p>19 A. Correct.</p> <p>20 Q. And people --</p> <p>21 A. We generally post internally first before we go</p> <p>22 outside.</p> <p>23 Q. Okay. What's the process for posting</p> <p>24 internally?</p> <p>25 A. Just putting a posting up to say we have a</p>

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<p style="text-align: right;">Page 38</p> <p>1 been the day after. I -- I can tell you I was not 2 aware -- to my knowledge, no one in the company was 3 aware whenever she was let go -- before she was let go, 4 that she was pregnant. 5 Q. It's your testimony today under oath that no 6 one in the company was aware before June 12th that 7 Ms. Hernandez was pregnant? 8 MS. ABEL: Object to form. 9 A. To my knowledge, that is correct. 10 Q. (BY MR. KAPLAN) Okay. And then -- and then 11 Ms. Hernandez disclosed her pregnancy in -- in response 12 to the -- being informed of the layoff? 13 MS. ABEL: Object to form. 14 A. I wasn't in -- whenever she was physically laid 15 off, whenever she was -- the meeting where she was let 16 go, I was not in the that meeting. 17 Q. (BY MR. KAPLAN) Okay. 18 A. So I don't really know the answer to that. 19 Q. Okay. But following that meeting was the first 20 time you were informed that she had been pregnant? 21 A. Yes. 22 Q. And I think you testified it was either Renee 23 or Danny who told you? 24 A. Correct. 25 Q. Okay. And -- and then tell me about this</p>	<p style="text-align: right;">Page 40</p> <p>1 A. No. I'm not aware of that. 2 Q. (BY MR. KAPLAN) Okay. And so if Ms. Maldonado 3 were to testify that she was informed by Mr. Owens that 4 Ms. Hernandez was pregnant before the date of 5 separation, that would be not true? 6 MS. ABEL: Object to form. 7 Q. (BY MR. KAPLAN) Or you just don't know? 8 A. That would be something I would not be aware 9 of. 10 Q. Okay. And if Ms. Hernandez were to say that 11 she discussed her pregnancy and her medical conditions 12 and her medical leave on the call with you before 13 termination on the 6th, would that -- that would be 14 untrue? 15 MS. ABEL: Object to form. 16 A. I don't recall any conversation, other than a 17 minor, "Hey, I hadn't been feeling good," kind of thing 18 and "worried about my job." That's all I recall from 19 that conversation. 20 Q. (BY MR. KAPLAN) Okay. As of the date of 21 termination here, Ms. -- you agree that Ms. Hernandez 22 was qualified to perform the essential functions of the 23 sales manager position, right? 24 MS. ABEL: Object to form. 25 A. I do.</p>
<p style="text-align: right;">Page 39</p> <p>1 accommodation request that came as a result of -- of 2 that meeting that you mentioned earlier. 3 A. No. I'm saying I -- to my knowledge, there'd 4 be no accommodation requests. I -- there -- I -- there 5 is no accommodation request, to my knowledge. 6 Q. Okay. I -- I might have missed it, but I think 7 earlier -- just -- just moments ago, I think you 8 testified that she asked for accommodations in -- in 9 response to being notified that she was going to be laid 10 off? 11 A. Well, in my -- let me clarify my answer. 12 There -- there could -- there could be no 13 accommodations to an employee that's been laid off. 14 Q. Okay. 15 A. So I don't know when -- I don't know -- I don't 16 recall if she told at that -- at that time. I don't 17 recall exactly when she told them. But at that point, 18 even if she had said that in the meeting, she had been 19 terminated and there would be no -- really no official 20 request for an accommodation at that point. Would 21 there? 22 Q. You were aware, weren't you, that before the 23 termination, Mr. Owens talked to Crystal Maldonado at 24 ADP about laying off a pregnant employee, right? 25 MS. ABEL: Object to form.</p>	<p style="text-align: right;">Page 41</p> <p>1 Q. (BY MR. KAPLAN) And with respect to 2 Danny Owens, when's the last time you spoke to him? 3 A. Maybe a couple of months ago, just a -- I text 4 him. 5 Q. I -- I know I asked if you have any data and 6 information, but I am going to ask you for his current 7 cell phone number from a couple months ago that you 8 used -- 9 A. Okay. 10 Q. -- because that hasn't been produced in this 11 case. 12 MR. KAPLAN: But, Counsel, we can -- we can 13 come back from a break and get that. 14 MS. ABEL: I've given it to Christie. I 15 sent her his cell phone, but I can resend it. 16 MR. KAPLAN: Okay. You know what we'll do, 17 is we'll just have you confirm that number on the record 18 since I think the numbers that we had were -- or -- 19 A. I've got my phone. I can go to my phone and 20 contacts, and you can confirm it with me if you'd like. 21 Q. (BY MR. KAPLAN) Okay. We can -- we can take a 22 break and do it. 23 You don't employ Mr. Owens in any 24 capacity currently, do you? 25 A. I do not.</p>

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<p style="text-align: right;">Page 42</p> <p>1 Q. And when was the -- when was the last time you</p> <p>2 did employ him in any capacity through any company you</p> <p>3 are involved with?</p> <p>4 A. He was employed through December 31st of 2019.</p> <p>5 Q. Okay. And do you expect that he'll be joining</p> <p>6 us for trial?</p> <p>7 MS. ABEL: Object to form.</p> <p>8 A. As far as I know, yes.</p> <p>9 Q. (BY MR. KAPLAN) What about Renee Mitchell,</p> <p>10 when was the last time you spoke to her?</p> <p>11 A. It's been quite a -- quite a time since I've</p> <p>12 talked to Renee, probably a year. But I have her</p> <p>13 contact information, and I know -- I mean, I know where</p> <p>14 she's currently employed or at best -- best to my</p> <p>15 knowledge, where she's currently employed.</p> <p>16 Q. Where -- where is she -- where is she working</p> <p>17 now?</p> <p>18 A. She's working for Roger Beasley. She's the</p> <p>19 office manager for Roger Beasley Dealerships.</p> <p>20 Q. You bought these -- the original car rental</p> <p>21 from Roger Beasley, didn't you?</p> <p>22 A. I don't -- I bought the Thrifty from corporate,</p> <p>23 but I did buy the Dollar in Austin from Roger Beasley.</p> <p>24 Q. Did you set Ms. -- Ms. Mitchell up with that</p> <p>25 job at Roger Beasley?</p>	<p style="text-align: right;">Page 44</p> <p>1 A. I do.</p> <p>2 Q. She understood the business and people's roles</p> <p>3 in the business --</p> <p>4 MS. ABEL: Object to form.</p> <p>5 Q. (BY MR. KAPLAN) -- in your -- in your</p> <p>6 experience?</p> <p>7 A. In my -- in my opinion, yes.</p> <p>8 Q. And she knew about what roles employees were</p> <p>9 performing?</p> <p>10 MS. ABEL: Object to form.</p> <p>11 A. Yeah, I would say so.</p> <p>12 Q. (BY MR. KAPLAN) Would -- would -- did she ever</p> <p>13 work on site at -- in Austin?</p> <p>14 A. On site. What do you mean?</p> <p>15 Q. At the counter and kiosk, or around those</p> <p>16 areas?</p> <p>17 A. She was around those areas generally looking</p> <p>18 for damage, vehicles, following up with things like</p> <p>19 that. But she was never a counter agent or anything</p> <p>20 like that.</p> <p>21 Q. Okay.</p> <p>22 A. Her functions were back at the -- at the</p> <p>23 service center.</p> <p>24 Q. Okay. When was the -- the last time you</p> <p>25 employed her in any way?</p>
<p style="text-align: right;">Page 43</p> <p>1 A. I did not.</p> <p>2 Q. When was the last time she worked for you or</p> <p>3 any of your affiliated companies?</p> <p>4 A. I don't have the exact date of that, but it</p> <p>5 was -- an estimate, probably early 2019.</p> <p>6 Q. Okay. And do you expect that she'll join us</p> <p>7 for trial?</p> <p>8 MS. ABEL: Object to form.</p> <p>9 A. I expect she will.</p> <p>10 Q. (BY MR. KAPLAN) Are you familiar with</p> <p>11 Shelby Summerlin?</p> <p>12 A. I am.</p> <p>13 Q. What was her role at the company?</p> <p>14 A. She was an administrative person that took care</p> <p>15 of accidents and accident reports, damage, collections,</p> <p>16 things like that.</p> <p>17 Q. How long did she work for the company?</p> <p>18 A. I don't know exactly. I want to say probably</p> <p>19 five years.</p> <p>20 Q. Okay. Did she generally do a good job?</p> <p>21 A. She did.</p> <p>22 Q. Was she generally an honest employee?</p> <p>23 A. I would say so.</p> <p>24 Q. Okay. Do you generally understand her to be an</p> <p>25 honest person?</p>	<p style="text-align: right;">Page 45</p> <p>1 A. I don't have the date exact, but it was</p> <p>2 probably August of 2019.</p> <p>3 Q. Okay. Okay. I'll show you -- I'm going to</p> <p>4 show you Exhibit 19. It's the interrogatories in this</p> <p>5 case, but I'm going to mark them and put them in the</p> <p>6 directory before I open them. Sorry.</p> <p>7 Okay. I'll represent to you that this is</p> <p>8 the interrogatories prepared and submitted by the</p> <p>9 company in this case. I want to focus on Number 13 to</p> <p>10 begin.</p> <p>11 What evidence or facts, if any, do you have</p> <p>12 that Ms. Hernandez's claims are barred by her waiving</p> <p>13 them or doing something where she had unclean hands or</p> <p>14 did something wrong or consented to waive them or is</p> <p>15 somehow not allowed to bring them?</p> <p>16 MS. ABEL: Object to form. I mean, he's</p> <p>17 not -- he's here in his personal capacity, as opposed to</p> <p>18 a corporate rep. And legal conclusion.</p> <p>19 Q. (BY MR. KAPLAN) Okay. And you can go ahead</p> <p>20 and answer. I just want the facts.</p> <p>21 A. I don't know what that would be.</p> <p>22 Are you -- I'm not sure I understand what</p> <p>23 you're asking.</p> <p>24 Q. Yeah. Are you aware of any facts that support</p> <p>25 that Ms. Hernandez waived her claims or consented to</p>

<p style="text-align: right;">Page 46</p> <p>1 drop her claims or is barred from bringing her claims 2 for any reason? 3 MS. ABEL: Object to form for the same 4 objections. 5 A. Yeah. I mean, I'm not an attorney. So I -- I 6 can't say that -- I -- I don't know the answer to that. 7 Q. (BY MR. KAPLAN) Okay. Looking at Number 14, 8 what facts or evidence are you aware of that 9 Ms. Hernandez failed to take reasonable steps to 10 mitigate her alleged damages? 11 MS. ABEL: Object to form. 12 A. I don't -- I don't know. I don't have an 13 answer for that. 14 Q. (BY MR. KAPLAN) Regarding Number 15, what 15 facts, if any, do you know of that Ms. Hernandez, her 16 claims are barred by statutes of limitations or failure 17 to exhaust administrative remedy? 18 MS. ABEL: Object to form, since it's 19 calling for a legal conclusion. 20 A. Yeah. I don't know the answer to that. 21 Q. (BY MR. KAPLAN) For Number 16, what facts do 22 you have, if any, that Ms. Hernandez's claims are barred 23 by after-acquired evidence? 24 And by that, I mean what evidence do you 25 have now that you did not have on June 12th of any</p>	<p style="text-align: right;">Page 48</p> <p>1 MS. ABEL: Object to form. 2 A. I wouldn't know the answer to that. 3 Q. (BY MR. KAPLAN) Okay. Do you have any facts 4 or evidence that -- any lost career opportunities that 5 she might have faced since losing her job at Clearwater 6 was caused by anyone other than Clearwater? 7 MS. ABEL: Object to form. 8 A. I wouldn't know the answer to that. 9 Q. (BY MR. KAPLAN) What about any facts or 10 evidence about any emotional harm that she may have 11 experienced as a result of Clearwater's actions that 12 were -- was caused by anyone -- any entity or person 13 other than Clearwater? 14 MS. ABEL: Object to form. 15 A. I wouldn't know the answer to that. 16 Q. (BY MR. KAPLAN) Okay. Is it the case -- is it 17 the case that at 12:00 p.m. on May 23rd, 2017, a 18 decision was made by you and Danny Owens to eliminate 19 the sales manager position? 20 MS. ABEL: Object to form. 21 A. I don't recall the exact date. 22 Q. (BY MR. KAPLAN) But earlier, you testified 23 that you made the decision and informed Danny of it, 24 correct? 25 A. That's correct.</p>
<p style="text-align: right;">Page 47</p> <p>1 wrongdoing by Ms. Hernandez that would have led the 2 company to fire her if they knew about it? 3 MS. ABEL: Object to form. 4 A. None that I'm aware of. 5 Q. (BY MR. KAPLAN) Turning to Number 18, what 6 evidence of -- of Ms. Hernandez's potential damages were 7 caused by a -- because of the fault of anybody that was 8 in Clearwater? 9 MS. ABEL: Object to form. 10 A. What would -- say that again. 11 Q. (BY MR. KAPLAN) I'll -- sorry. 12 What -- what evidence of any element of 13 Ms. Hernandez's potential damages in this case do you 14 have that they were caused by anyone other than 15 Clearwater? 16 MS. ABEL: Object to form, calls for a 17 legal conclusion. 18 A. Yeah. I don't -- I don't know how to answer 19 that. 20 Q. (BY MR. KAPLAN) Yeah. Okay. 21 What -- what facts -- sorry. 22 What facts do you have that any wages that 23 Ms. Hernandez might have lost -- income she might have 24 lost since she was terminated was caused by the conduct 25 of anyone other than Clearwater?</p>	<p style="text-align: right;">Page 49</p> <p>1 Q. And so that -- that means that you didn't make 2 the decision together on -- on a particular date, 3 correct? 4 A. Well, the decision -- the decision was made by 5 me financially. But then I go to Danny, and it's not 6 a -- it's -- wasn't a dictatorial sense. It was more 7 of, "Okay, here's what we have to do. We need to 8 eliminate a head." And obviously, when we do -- when 9 we -- if we do that, we'll bring -- the last person that 10 came in would be the -- would be the first one to go. 11 So it was a conversation. And I would 12 always want to be inclusive of a key manager like Danny. 13 But basically, I made the decision. 14 Q. Okay. You -- you made the decision and went to 15 Danny and -- and informed him about it. And was that on 16 May 23rd, 2017? 17 A. I don't recall the dates. 18 Q. Let's take a look at the calendar. 19 Does the calendar help you recall the 20 date at all, May 23rd? 21 A. No, it doesn't. 22 Q. Was it closer in time to the actual date of 23 termination here, June 12th? 24 A. I don't know the answer to that. Like I said, 25 there was a whole lot of things going on. We had a</p>

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<p style="text-align: right;">Page 78</p> <p>1 amount of time had gone by, that would have been 2 possible, but not -- not likely. 3 Q. (BY MR. KAPLAN) Okay. Thank you. 4 Okay. So we established here that -- 5 that Traye was promoted into the -- the opened airport 6 manager position on June 19th. When was the decision 7 made to transfer him into that position -- or to promote 8 him into that position, rather? 9 A. I don't recall exactly. It may have -- I don't 10 recall exactly. 11 Q. Who made that decision? 12 A. I did. 13 Q. Did anyone else make it with you or just you? 14 A. Danny -- Danny Owens would have been involved 15 in that decision in how we restructured the management, 16 but ultimately, I would have made that decision. 17 Q. When did the company first discuss reopening 18 the airport management position in 2017? 19 A. I don't recall exactly, but probably pretty 20 close to the time it was announced. Things were moving 21 pretty quickly. 22 Q. Did the airport manager position officially 23 post internally as an open position? 24 A. It did not. 25 Q. Why not?</p>	<p style="text-align: right;">Page 80</p> <p>1 position. 2 Q. Why not? 3 A. Well, she was a new manager, and she was a 4 little rough around the edges. She had huge potential. 5 I think she was going to be great, but she couldn't have 6 managed managers. We were still getting information for 7 her to -- to be able to manage employees and work her 8 through that tactic versus her managing managers. 9 I think eventually she would have -- I -- I 10 could see her -- eventually, she would have absolutely 11 been -- she would have been a great candidate for that, 12 but not at that time. 13 Q. She -- she couldn't manage managers, but Traye 14 could? 15 A. Yes. 16 Q. Okay. And why -- why would Traye have that 17 ability when she didn't? 18 A. Tenure. Traye had been with us for a lot 19 longer. He knew -- and he had a much better 20 understanding how things would work. He had had more 21 time managing people, period. So it was a -- it was a 22 logical next step for Traye to then become manager 23 of -- of managers. Then it -- it was a logical step for 24 him. 25 Q. How much longer had Traye been with the company</p>
<p style="text-align: right;">Page 79</p> <p>1 A. It was more of a reorganization, a 2 restructuring, than it was putting an open position out. 3 Number one, there would have been no one else qualified 4 for the position in the company. And number two, we 5 wouldn't have gone outside the company to fill an 6 additional spot because we did not have an additional 7 spot. 8 Q. So the airport position -- airport manager 9 position was never posted online as an open job, 10 correct? 11 A. That's correct. 12 Q. Okay. And that position was never offered to 13 Ms. Hernandez, either, right? 14 A. That's correct. 15 Q. Okay. And so Zuniga was -- did Zuniga apply 16 for this position or he was just promoted into it? 17 A. He was promoted into it. It was -- it was a 18 reorganization -- 19 Q. Okay. 20 A. -- of how we were -- how we restructured our 21 management team at the airport. 22 Q. Okay. And did you consider the pregnant 23 Plaintiff, Stephanie Hernandez, at all for being moved 24 into this position? 25 A. She would have not been qualified for that</p>	<p style="text-align: right;">Page 81</p> <p>1 than Stephanie Hernandez? 2 A. In a management position? 3 Q. Oh, I -- I may have misunderstood your 4 testimony. 5 When you say "tenure," do you mean tenure 6 with the company overall, or do you mean tenure in a 7 management position? 8 A. Tenured in a management position. 9 Q. Okay. How long was Traye in a management 10 position? 11 A. I don't know his exact dates, but I want to say 12 three years. 13 Q. Okay. And was he managing managers in that 14 position he had before? 15 A. He did not. 16 Q. Okay. Traye wasn't just a car cleaner 17 beforehand, was he? 18 A. Before when? 19 Q. Before -- before he was a manager and then 20 kiosk? 21 A. I don't recall, but it could have been. Like I 22 said, we do our best to promote from within. So it's 23 quite possible. We've had rental agents, service 24 agents. 25 As a matter of fact, Danny Owens was with</p>

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<div style="text-align: center;">CHANGES AND SIGNATURE</div> <div>WITNESS NAME: MONTY MERRILL</div> <div>DATE: DECEMBER 3, 2020</div> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 20%;">PAGE LINE</th> <th style="width: 30%;">CHANGE</th> <th style="width: 50%;">REASON</th> </tr> </thead> <tbody> <tr><td>5</td><td></td><td></td></tr> <tr><td>6</td><td></td><td></td></tr> <tr><td>7</td><td></td><td></td></tr> <tr><td>8</td><td></td><td></td></tr> <tr><td>9</td><td></td><td></td></tr> <tr><td>10</td><td></td><td></td></tr> <tr><td>11</td><td></td><td></td></tr> <tr><td>12</td><td></td><td></td></tr> <tr><td>13</td><td></td><td></td></tr> <tr><td>14</td><td></td><td></td></tr> <tr><td>15</td><td></td><td></td></tr> <tr><td>16</td><td></td><td></td></tr> <tr><td>17</td><td></td><td></td></tr> <tr><td>18</td><td></td><td></td></tr> <tr><td>19</td><td></td><td></td></tr> <tr><td>20</td><td></td><td></td></tr> <tr><td>21</td><td></td><td></td></tr> <tr><td>22</td><td></td><td></td></tr> <tr><td>23</td><td></td><td></td></tr> <tr><td>24</td><td></td><td></td></tr> <tr><td>25</td><td></td><td></td></tr> </tbody> </table>	PAGE LINE	CHANGE	REASON	5			6			7			8			9			10			11			12			13			14			15			16			17			18			19			20			21			22			23			24			25			<div style="text-align: center;">UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS AUSTIN DIVISION</div> <div>STEPHANIE HERNANDEZ,)</div> <div>Plaintiff,)</div> <div>VS.) CIVIL ACTION NO.</div> <div>) 1:18-CV-00319-RP</div> <div>CLEARWATER TRANSPORTATION,)</div> <div>LTD,)</div> <div>Defendant.)</div> <div style="text-align: center;">REPORTER'S CERTIFICATION REMOTE ORAL AND VIDEO DEPOSITION OF MONTY MERRILL DECEMBER 3, 2020</div> <div>I, Mercedes Arellano, Certified Shorthand Reporter</div> <div>in and for the State of Texas, hereby certify to the</div> <div>following:</div> <div>That the witness, MONTY MERRILL, was duly sworn by</div> <div>the officer and that the transcript of the oral</div> <div>deposition is a true record of the testimony given by</div> <div>the witness;</div> <div>That the deposition transcript was submitted on</div> <div>_____ to the witness or to the attorney</div> <div>for the witness for examination, signature and return to</div> <div>me by _____;</div> <div>That the amount of time used by each party at the</div>
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<div style="text-align: center;">Page 119</div> <div>I, MONTY MERRILL, have read the foregoing</div> <div>deposition and hereby affix my signature that same is</div> <div>true and correct, except as noted above.</div> <div>_____</div> <div style="text-align: center;">MONTY MERRILL</div> <div>THE STATE OF _____)</div> <div>COUNTY OF _____)</div> <div>Before me, _____, on</div> <div>this day personally appeared MONTY MERRILL, known to me</div> <div>(or proved to me under oath or through</div> <div>_____) (description of identity</div> <div>card or other document)) to be the person whose name is</div> <div>subscribed to the foregoing instrument and acknowledged</div> <div>to me that they executed the same for the purposes and</div> <div>consideration therein expressed.</div> <div>Given under my hand and seal of office this</div> <div>_____ day of _____, _____.</div> <div style="text-align: center;">NOTARY PUBLIC IN AND FOR THE STATE OF _____ COMMISSION EXPIRES: _____</div>	<div style="text-align: center;">Page 121</div> <div>deposition is as follows:</div> <div>Mr. Austin Kaplan....02 HOUR(S):19 MINUTE(S)</div> <div>Ms. Alise N. Abel.....00 HOUR(S):00 MINUTE(S)</div> <div>That pursuant to information given to the</div> <div>deposition officer at the time said testimony was taken,</div> <div>the following includes counsel for all parties of</div> <div>record:</div> <div>FOR THE PLAINTIFF:</div> <div>Mr. Austin Kaplan</div> <div>KAPLAN LAW FIRM, PLLC</div> <div>406 Sterzing Street</div> <div>Austin, Texas 78704</div> <div>Phone: (512) 553-9390</div> <div>Fax: (512) 692-2788</div> <div>E-mail: Akaplan@kaplanlawatx.com</div> <div>FOR THE DEFENDANT:</div> <div>Ms. Alise N. Abel</div> <div>JACKSON LEWIS P.C.</div> <div>500 N. Akard</div> <div>Suite 2500</div> <div>Dallas, Texas 75201</div> <div>Phone: (214) 728-3250</div> <div>Fax: (214) 520-2008</div> <div>E-mail: Alise.Abel@jacksonlewis.com</div> <div>That \$_____ is the deposition officer's</div> <div>charges to the Plaintiff for preparing the original</div> <div>deposition transcript and any copies of exhibits;</div> <div>I further certify that I am neither counsel for,</div> <div>related to, nor employed by any of the parties or</div> <div>attorneys in the action in which this proceeding was</div> <div>taken, and further that I am not financially or</div>																																																																		